

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOSEPH SCHAEFFER,

Petitioner,

v.

DONALD ROPER,

Respondent.

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No. 4:03-CV-60 CAS

ORDER

This matter is before the Court on state prisoner Joseph Schaeffer's action pursuant to 28 U.S.C. § 2254. This case was referred to United States Magistrate Judge Lewis M. Blanton for report and recommendation on all dispositive matters and for final disposition on all non-dispositive matters, pursuant to 28 U.S.C. § 636(b).

On March 3, 2006, Judge Blanton filed a Report and Recommendation of United States Magistrate Judge, which recommended that Schaeffer's petition for writ of habeas corpus be denied. Petitioner filed timely objections to the Report and Recommendation, asserting that he received ineffective assistance of counsel from trial and appellate counsel and claims eight, nine, and ten are not procedurally defaulted. Petitioner concedes that the Magistrate's findings are correct and proper regarding his first claim for relief, which asserted petitioner was denied his due process rights when the court denied his motion for judgment of acquittal at trial. Further, petitioner does not object to the Magistrate's findings on claims five and six of his habeas petition regarding the adequacy of Missouri Supreme Court Rule 29.15. The Court has carefully reviewed petitioner's objections and the entire record of this matter. Following de novo review, the Court concurs in the recommendation of the Magistrate Judge, as contained in the well-reasoned and thorough Report and Recommendation. Petitioner's objections are overruled.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge is **sustained, adopted and incorporated** herein. [Doc. 16]

IT IS FURTHER ORDERED that Schaeffer's Petition for Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254 is **DENIED**. [Doc. 4]

IT IS FURTHER ORDERED that this matter is **DISMISSED**, with no further action to take place herein.

An appropriate judgment will accompany this order.

A handwritten signature in cursive script, reading "Charles A. Shaw", written in black ink.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 30th day of March, 2006.